

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

FILED
ASHEVILLE, N.C.

MAY 27 2021

U.S. DISTRICT COURT
W. DIST. OF N.C.

CAROL ELIZABETH MOSCA,

Plaintiff,

vs.

AMERICAN MEDICAL ASSOCIATION
c/o JAMES L. MADARA, MD, CEO & EVP
AMA PLAZA
330 NORTH WABASH AVENUE
SUITE 39300

CHICAGO, ILLINOIS 60611

SERVE REGISTERED AGENT:

Brian D. Vandenberg, SVP & General Counsel
American Medical Association
AMA Plaza
330 North Wabash Avenue
Suite 39300
Chicago, IL 60611

NATIONAL INSTITUTES OF HEALTH

c/o FRANCIS S. COLLINS, MD, PhD

9000 ROCKVILLE PIKE

BETHESDA, MARYLAND 20892

SERVE [FRCP Rule 4(i)(1)(B)]:

Jeffrey Bossert Clark, Acting US Assistant
Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

CENTERS FOR DISEASE CONTROL

AND PREVENTION

c/o ROCHELLE P. WALENSKY, MD, MPH

1600 CLIFTON ROAD

ATLANTA, GEORGIA 30329

SERVE [FRCP Rule 4(i)(1)(B)]:

Jeffrey Bossert Clark, Acting US Assistant
Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

COMPLAINT

FOR EQUITABLE RELIEF

Case No.: 1:21-cv-144

UNITED STATES FOOD AND DRUG)
ADMINISTRATION)
c/o JANET WOODCOCK, MD, ACTING)
COMMISSIONER)
10903 NEW HAMPSHIRE AVENUE)
SILVER SPRING, MARYLAND 20993)
SERVE [FRCP Rule 4(i)(1)(B)]:)
 Jeffrey Bossert Clark, Acting US Assistant)
 Attorney General)
 US Department of Justice)
 950 Pennsylvania Avenue, NW)
 Washington, DC 20530-0001)
)
UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES)
c/o XAVIER BECERRA, SECRETARY)
HUBERT H. HUMPHREY BUILDING)
200 INDEPENDENCE AVENUE, SW)
WASHINGTON, DC 20201)
SERVE [FRCP Rule 4(i)(1)(B)]:)
 Jeffrey Bossert Clark, Acting US Assistant)
 Attorney General)
 US Department of Justice)
 950 Pennsylvania Avenue, NW)
 Washington, DC 20530-0001)
)
UNITED STATES SURGEON GENERAL)
c/o VICE ADMIRAL VIVEK H. MURTHY,)
MD, MBA, SURGEON GENERAL)
HHS HEADQUARTERS)
200 INDEPENDENCE AVENUE, SW)
WASHINGTON, DC 20201)
SERVE [FRCP Rule 4(i)(1)(B)]:)
 Jeffrey Bossert Clark, Acting US Assistant)
 Attorney General)
 US Department of Justice)
 950 Pennsylvania Avenue, NW)
 Washington, DC 20530-0001)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY)
c/o MICHAEL S. REGAN, ADMINISTRATOR)
1200 PENNSYLVANIA AVENUE, NW)
WASHINGTON, DC 20460)

SERVE [FRCP Rule 4(i)(1)(B)]:)
 Jeffrey Bossert Clark, Acting US Assistant)
 Attorney General)
 US Department of Justice)
 950 Pennsylvania Avenue, NW)
 Washington, DC 20530-0001)
)
Defendants.)

INTRODUCTION

1. This is an action for equitable relief regarding the **failure to act** by the American Medical Association (hereinafter “AMA”), National Institutes of Health (hereinafter “NIH”), Centers for Disease Control and Prevention (hereinafter “CDC”), United States Food and Drug Administration (hereinafter “FDA”), United States Department of Health and Human Services (hereinafter “HHS”), Surgeon General (hereinafter “SG”) and the United States Environmental Protection Agency (hereinafter “EPA”). **All aforementioned Defendants failed to undertake mandatory duties related to the protection of human health and failed to warn the American people about the Covid virus thereby causing millions of unnecessary deaths and violations of sacred American Rights and Privileges.**

2. CAROL MOSCA (hereinafter “MOSCA”) sent a Notice of Intent to Sue to all Defendants on September 24, 2020.

JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 USC § 1331 (federal question) and 28 USC § 1346 (United States as Defendant).

4. Plaintiff has a right to bring this action pursuant to the Administrative Procedure Act (APA) (5 USC § 702) and the First Amendment of the US Constitution 1789 (rev. 1992).

5. The relief requested is specifically authorized pursuant to 5 USC § 706(1) and

28 USC § 1651 (writ).

VENUE

6. Venue properly lies with this Court pursuant to 28 USC § 1391(c) because the Plaintiff resides in this District.

STANDING

7. MOSCA has Constitutional standing to seek review here. The US Supreme Court has ruled that Article III standing requires an injury that is (i) concrete, particularized, and actual or imminent; (ii) fairly traceable to the challenged action; and (iii) redressable by a favorable ruling. *Monsanto Co. v. Geerston Seed Farms*, 561 US 139, 149 (2010).

8. First, in order to establish a “*concrete, particularized, and actual or imminent*” injury, a plaintiff must have a “personal stake in the outcome” sufficient to “assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult Constitutional questions.” *Baker v. Carr*, 369 US 186, 204 (1962). “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” *Marbury v. Madison*, 5 US 137, 163 (1803). The violation of MOSCA’s First Amendment Constitutional right to peaceably assemble certainly establishes that she “has sustained direct injuries” as the result of the Defendants’ conduct. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *New York Times Co. v. United States*, 403 US 713 (1971) [quoted by *Elrod v. Burns*, 427 US 47, 373 (1976)]. In addition, the right to peaceably assemble includes social aspects relating to physical, mental and spiritual health and well being (“direct injuries”) as the result of the Defendants’ conduct. MOSCA *continues* to sustain loss of her Constitutional right to peaceably assemble. Furthermore, MOSCA’s injuries such as her March 2020 loss of employment

income for the reason of slow business due to Covid resulted in significant economic losses and continues to cause substantial economic losses or “direct injuries.” MOSCA’s injuries are both “real and immediate,” and not “conjectural” or “hypothetical.” *Los Angeles v. Lyons*, 461 US 95, 101-102 (1983). MOSCA’s injuries remain both “concrete and personal,” and she continues to sustain direct injuries as the result of the official misconduct, and the ongoing risk of her injuries continuing for an indefinite period of time into the future remains imminent. MOSCA’s “injury or threat of injury [is] ‘real and immediate,’ not ‘conjectural,’ or ‘hypothetical.’” *O’Shea v. Littleton*, 414 US 488, 494 (1974) [quoting *Golden v. Zwickler*, 394 U. S. 103, 109-110 (1969)].

9. Second, the High Court’s standard herein requires that the injury is “*fairly traceable to the challenged action*.” MOSCA’s injuries undoubtedly remain “*fairly traceable to the challenged action*.” In order to understand that MOSCA would not have been injured **BUT FOR** Defendants’ failure to act, it is necessary to address the *origin* (or the cause) *rather than the interim, remedial orders of governments and institutions, and the intermediary, remedial events of same*. For what reason did governments and institutions impose restrictions and public health measures on private and public activities, meetings, gatherings and businesses? Why did Defendants not warn the American public about the dangers and risks of zoonotic origin global pandemics such as Covid when they discovered the medical and scientific facts in 1997? Rather than examining the symptoms and *intermediate bandaids*, it proves essential to analyze the *origin* (or the cause). Such analysis proves certain that MOSCA’s injuries are “*fairly traceable to the challenged action*.”

10. Third, MOSCA’s injuries obviously represent injuries “*redressable by a favorable ruling*” as “Article III judicial power exists only to redress or otherwise to protect against injury to the complaining party.” *Warth v. Seldin*, 422 US 490, 498-499 (1975). Certainly, the relief

sought from this court would remedy the harm and provide sufficient deterrence to support redressability. *Friends of the Earth v. Laidlaw Environmental Services*, 528 US 167, 187 (2000). If unchecked by litigation, Defendants' wrongful behavior will likely occur and continue, and the threatened injuries are certainly impending. (*Id.*, 170.)

11. There exist two ways to solve a problem, ie, systemically or holistically. An analogy serves the best method to explain the difference between the two concepts. Medical Doctors owned by Big Pharma and managed by the medical insurance industry (most US MDs¹) treat symptoms with drugs and procedures because a patient cured is a customer lost. In stark contrast, holistic (and preventative medicine) medical doctors find the *origin* (or the cause) of the problem and *solve the problem by eliminating the cause* thereby curing their patients. In order to establish a true *health care* system in the United States (rather than a sick care system fueled by medical insurance, Big Pharma and Big Ag) whereby doctors' salaries are based on the procedures they perform, kickbacks from drug companies² and research funded by Big Ag), medical doctors would get paid via "capitation," ie, all doctors would receive salaries and they would keep 100% of their salaries if all of their patients remained well. For every sick patient, a portion of the doctor's salary would be deducted. This method would incentivize doctors to actually *cure* their patients.

PARTIES

12. Plaintiff, MOSCA, brings this action on behalf of herself, an individual.

1 Mosca has family members who are medical doctors, and has received excellent care and treatment several times from medical doctors in her lifetime. She is referring to the INDUSTRY, the majority of medical doctors, and the medical and scientific communities generally and *not* to any several specific doctors.

2 Although MDs represent the largest lot of drug dealers in the US and created a national epidemic with their oxy pills, there exists an increasingly large group of ethical Lifestyle Medicine MDs who educate and empower their patients about the benefits of plant nutrition and a vegan lifestyle because degenerative diseases such as cancer, heart disease, diabetes, autoimmune diseases; chronic illnesses such as arthritis, digestive disorders, obesity, acne, allergies, impotence; and zoonotic origin pandemics are LIFESTYLE DISEASES. For example, in July 2021, MDs from all over the world will speak in a conference, "The Year In Plants 2021: The Data Keep Pouring In." Andrew M. Freeman, MD, FACC, FACP."

13. Defendant **AMA** is a national association in the US with a Mission “**to promote the art and science of medicine and the betterment of public health.**” “**The AMA delivers on this mission by...leading the charge to prevent chronic disease and confront public health crises, and driving the future of medicine to tackle the biggest challenges in health care and training the leaders of tomorrow.**” (<https://www.ama-assn.org/about>)

14. Defendant **NIH** is an agency within the HHS and the largest biomedical research agency in the world with a Mission “**to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability.**” (<https://www.nih.gov/about-nih/what-we-do/mission-goals>) (42 USC Chapter 6A)

15. Defendant **CDC** is an agency within the HHS with a Mission “**to protect America from health, safety and security threats, both foreign and in the US. Whether diseases start at home or abroad, are chronic or acute, curable or preventable, human error or deliberate attack, CDC fights disease and supports communities and citizens to do the same.**” The CDC Pledge is to “**Place the benefits to society above the benefits to our institution.**” (<https://www.cdc.gov/about/organization/mission.htm>) “**Congress finds that the Centers for Disease Control and Prevention has an essential role in defending against and combating public health threats domestically and abroad and requires secure and modern facilities, and expanded, improved, and appropriately maintained capabilities related to bioterrorism and other public health emergencies, sufficient to enable such Centers to conduct this important mission.**” [42 US Code § 247d–4(a)(1)]

16. Defendant **FDA** is an agency within the HHS with a primary Mission “**to protect the public health by ensuring the safety, efficacy, and security of human and veterinary**

drugs, biological products, and medical devices; and by ensuring the safety of our nation's food supply, cosmetics, and products that emit radiation.”

(<https://www.fda.gov/about-fda/what-we-do#mission>) The **FDA** has the responsibility to **“promote the public health by promptly and efficiently reviewing clinical research and taking appropriate action on the marketing of regulated products in a timely manner.”** [21 USC § 393(b)(1)]

17. Defendant **HHS** is a cabinet level executive branch department of the US with a Mission **“to enhance the health and well-being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.”** <https://www.hhs.gov/about/strategic-plan/introduction/index.html#mission>

18. Defendant **Surgeon General** is the “Nation’s Doctor” with a Mission **“to protect, promote, and advance the health and safety of our nation. The Surgeon General achieves this mission by: Communicating the best available scientific information to the public, to reach individuals where they live, work, and play; Leveraging government, business, law enforcement, and community resources to address important public health issues; Raising awareness about health threats to the readiness and resiliency of our military communities; Stimulating action nationwide on public health issues by delivering programs on public health promotion and disease prevention; Developing strategies for advancing public health science; Providing leadership and excellence in public health practices.”**

<https://www.hhs.gov/surgeongeneral/about/mission/index.html> (42 USC Chapter 6A)

19. Defendant **EPA** is an independent executive agency of the US with a Mission **“to protect human health and the environment.”** (<https://www.epa.gov/home/returning-epa-its->

core-mission) **“The U.S. Environmental Protection Agency permits coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis. Reorganization Plan 3 of 1970 transferred to EPA a variety of research, monitoring, standard setting, and enforcement activities related to pollution abatement and control to provide for the treatment of the environment as a single interrelated system. Complementary to these activities are the Agency's coordination and support of research and antipollution activities carried out by State and local governments, private and public groups, individuals, and educational institutions. EPA reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment.”** (CFR Title 40 Chapter I Subchapter A Part 1 Subpart A §1.3)

LEGAL BACKGROUND

Administrative Procedure Act (APA) (5 USC § 702)

20. Pursuant to the APA, “[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action . . . is entitled to judicial review thereof. (5 USC § 702.)

21. The APA’s definition of “agency action” includes an agency’s “failure to act.” (*Id.*) Pursuant to the APA, a reviewing court “shall compel agency action unlawfully withheld or unreasonably delayed.” [*Id.* § 706(1).]

First Amendment of the US Constitution 1789 (rev. 1992)

22. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

STATEMENT OF FACTS

23. Circa March 2020 through June 2020, MOSCA researched and studied Covid, zoonotic origin global pandemics and epidemiology in an effort to educate herself and understand the global and national state of affairs. Circa **May 2020**, MOSCA discovered Facts about zoonotic origin global pandemics such as Covid. (*See Exhibit A.*)

24. “Medical anthropologists have identified three major periods of disease since the beginning of human evolution and the first began approximately 10,000 years ago with the domestication of animals. When we brought animals into the barn yard, they brought their diseases with them. When we domesticated cows and sheep, we also domesticated their render pest virus which turned into human measles. In the last 150 years, measles has killed 200 million people. All of those deaths can be traced back to the taming of the first cow. Smallpox likely came from camel pox. We domesticated pigs and got whooping cough. We domesticated chickens, and got typhoid fever and Typhoid Mary. We domesticated ducks and got influenza. Leprosy likely came from water buffalo. The common cold came from horses.” (*Transcribed from Michael Greger, MD’s 2008 talk about the origin and prevention of zoonotic origin global pandemics, Michael Greger, MD’s Warning About Covid Risk In 2008 <https://www.youtube.com/watch?v=Se9yqWNIG8A>*) (*See Exhibit A.*)

Michael Greger, MD, FACLM is a physician, New York Times bestselling author and world renowned professional speaker. Dr. Greger has lectured at the Conference on World Affairs, the National Institutes of Health, and the International Bird Flu Summit, et al.; testified before Congress; appeared on shows such as The Colbert Report and The Dr. Oz Show; and served as an expert witness in defense of Oprah Winfrey at the infamous "meat defamation" trial. In 2017, Dr. Greger was honored with the ACLM Lifestyle Medicine Trailblazer Award. Dr. Greger's most recent

scientific publications in the American Journal of Preventive Medicine, Critical Reviews in Microbiology, Family and Community Health, and the International Journal of Food Safety, Nutrition, and Public Health explore the public health implications of industrialized animal agriculture.

Dr. Greger is licensed as a general practitioner specializing in clinical nutrition and is a founding member and Fellow of the American College of Lifestyle Medicine (ACLM). He appeared on the Healthy Living Channel promoting his latest nutrition DVDs and has been honored to teach part of Dr. T. Colin Campbell's esteemed nutrition course at Cornell University. Dr. Greger's nutrition work can be found at NutritionFacts.org, a registered 501(c)3 nonprofit charity.

He is the author of Bird Flu: A Virus of Our Own Hatching and Carbophobia: The Scary Truth Behind America's Low Carb Craze. Three of his recent books, How Not to Die, How Not to Die Cookbook, and How Not to Diet became instant New York Times Best Sellers. His latest two books, How to Survive a Pandemic and How Not to Diet Cookbook were released in 2020.

25. “American camel were wiped out in the Pleistocene Ice Age; accordingly, no smallpox existed. No pigs were domesticated and no Pertussis existed. No chickens were domesticated and no typhoid existed.” (*Id.*)

26. “While people were dying by the millions of killer scourges in Europe and Asia, none were dying in the New World due to no spillover of animals diseases.” (*Id.*)

27. “In his Pulitzer Prize winning book, Guns, Germs and Steel, (1999) Professor Jared Diamond discusses the reason that diseases of the Europeans wiped out 95% of Native Americans, but no diseases of Native Americans killed Europeans because Native Americans had no plagues. In his chapter, Lethal Gift of Livestock, he explained how before Europeans arrived, buffalo roamed America, but no buffalo were *domesticated*; accordingly, no measles existed.” (*Id.*)

28. “The next remarkable period of human disease started a few hundred years ago with the Industrial Revolution of the 18th and 19th centuries leading to and epidemic of the diseases of civilization including diabetes, obesity, heart disease, cancer, etc. By the middle of the 20th century, we believed this period was over because we had penicillin, we conquered polio and we eradicated smallpox. In 1968, the United States Surgeon General declared, ‘The war against infectious diseases has been won.’ In 1975, the Dean of Yale School of Medicine pronounced there were ‘no new diseases to be discovered.’ Nobel Laureates remained optimistic and a famous virologist wrote in a 1962 textbook ‘to write about infectious disease is almost to write of something that has passed into history’ and ‘the most likely forecast of the future of infectious disease will be very dull.’ Then, something changed. After decades of decline of infectious disease, around 1975, the trend reversed as the rate started to increase dramatically with the onset of about 30 new diseases and newly discovered viruses that marks the third era of human disease, the Age of Emerging Plagues, almost all of which come from animals. Although we domesticated animals 10,000 years ago, what changed in recent decades is the way in which animals live. For example, Lyme Disease was first recognized in Connecticut in 1975 which comes from bacteria infested deer ticks although the primary host is the white footed mouse. Since suburbia, the ticks live on the mice, and the foxes and bobcats who kept the mice and ticks at bay in the woods have been scared away by subdivisions. During World War II, Argentina expanded its beef industry at the expense of its rain forest and hemorrhagic fever viruses were exposed across the continent. Likewise, Africa exposed hemorrhagic fever viruses including Lassa, Rift Valley fever and Ebola.” (*Id.*)

29. “Inroads into Africa’s rain forest were logging roads cut by transnational timber corporations of a migrant workforce which survived on bush meat. More than 26 different species

of primates including a number of endangered Great Ape species, gorillas and chimpanzees are shot, butchered, smoked and sold as food. By cannibalizing our fellow primates, we may be exposing ourselves to viruses particularly fine tuned to our own primate physiology. In fact, recent outbreaks of Ebola have been traced to the exposure to the bodies of infected Great Apes who were hunted for food.” (*Id.*)

30. “The leading theory as to the emergence of the AIDs virus is ‘direct exposure to animal blood and secretions as a result of hunting, butchering or other activities.’ Experts believe the most likely scenario is HIV arose from humans sawing their way into the jungle butchering chimpanzees for their flesh along the way. Between 1998 and 2000, in many countries in Africa, the prevalence of HIV exceeded 25% of the adult population leaving millions of orphaned children. Someone butchered a chimp a few decades ago, now 25 million people are dead.” (*Id.*)

31. **THE MOST SALIENT FACT** is that “the 1918 Spanish bird flu proved a mystery to scientists until they discovered a mass grave in Alaska. In 1997, Pathologist Johan Hultin and his colleagues unearthed victims frozen in the permafrost which allowed **scientists** to analyze traces of the virus in a woman’s lungs, piece together, letter by letter, the genetic code of the 1918 virus, and **solve the greatest medical mystery of all time. Humanity’s greatest killer was Bird Flu.** In a single month, it spread throughout the US. In 1918, between 50 and 100 million people lost their lives.” **Like Covid, Ebola, HIV, SARS, BSE, et al., all zoonotic origin global pandemics originate from our use and abuse of animals. The next one is brewing in a factory farm near you right now.** (*Id.*)

32. Albert Einstein said, “A clever man solves a problem. A **wise man *avoids* it.**” Likewise, the Hippocratic Oath states, “**I will *prevent* disease whenever I can, for *prevention* is**

preferable to cure.” (**Modern Physician’s Oath** is a 1964 revision by Dr. Louis Lasagna³) (*See Exhibit B.*)

33. For *decades, the world has Known* that the elimination of animal agriculture can save the planet; solve the sickness/sick care/drug/financial crises; eradicate world hunger; and end violence and suffering (and consequential hatred and discrimination).

34. In 1997, the medical/scientific community discovered that the elimination of animal agriculture can prevent and avoid zoonotic origin global pandemics such as Covid.

35. Circa December 2020, the infamous Dr. Jane Goodall called for the United Nations to “Build Forward to create a sustainable, equitable, humane world, and prevent the next pandemic.” (*See Dr. Jane Goodall’s The Animals’ Manifesto, Preventing COVID-X*
https://pub.lucidpress.com/1c6e4a02-2bae-4656-a238-333d956dc2a0/?fbclid=IwAR0iL42b5ebIDmJd9GoHEgIRYN3fDRLwbJwwrEM7biph3JtMWjfazAI2XV8#_0)

Dr. Jane Goodall is an English primatologist and anthropologist. She remains the world's foremost expert on chimpanzees and is internationally known for her 60 year study of social and family interactions of wild chimpanzees since she first went to Gombe Stream National Park in Tanzania, Africa in 1960 at only 26 years young. Today, at 86 years young, Dr. Goodall continues to travel and lecture throughout the world with the same zeal and passion she possessed six decades ago. She is the founder of the Jane Goodall Institute and the Roots & Shoots programme, and she has worked extensively on conservation and animal protection issues. She has served on the board of the

³ The Hippocratic Oath is the vow medical students take at the beginning of medical training and again at graduation, proclaiming their commitment to **Medical Ethics**. The original oath has been modified multiple times in medicine’s history, but three versions are most commonly recited today. They are as follows:

A. Original 5th century BC **Oath of Hippocrates** provided the first ethical guideline for physicians in ancient Greece;
B. **Declaration of Geneva** was written in 1948 (amended numerous times, most recently in 2017) in response to the grotesquely inhumane treatment of individuals in Nazi Germany;

C. **Modern Physician’s Oath** is a 1964 revision by Dr. Louis Lasagna.

Nonhuman Rights Project since its founding in 1996. In April 2002, she was named a United Nations Messenger of Peace. Dr. Goodall is an honorary member of the World Future Council.

36. In Dr. Goodall's *The Animals' Manifesto, Preventing COVID-X*, she writes, "How shocking to realize that we brought this on ourselves! Through our disrespect of the natural world, and our disrespect of animals." "We have created situations that make it relatively easy for a virus, or other pathogen, to spill straight from one species over to another and create a new disease. Over 70% of the new diseases emerging in humans are these so-called zoonotic diseases. When contagious, they can lead to epidemics or even pandemics." "The Covid-19 crisis makes absolutely clear that to reduce the risk of future world-stopping pandemics, *we must fundamentally reorient our relationships with animals, from a relationship of exploitation to a relationship of mutuality. We must do this on a basis of urgency.*"

37. In May 2020, Mosca discovered that, in 1997, in Dr. Jane Goodall's words, "The [1918 Spanish Bird Flu] crisis [made] absolutely clear that to reduce the risk of future world-stopping pandemics, we must fundamentally reorient our relationships with animals, from a relationship of exploitation to a relationship of mutuality. We must do this on a basis of urgency."

38. On April 7, 2020, the Physicians Committee for Responsible Medicine, a nonprofit organization of 12,000 medical doctors, petitioned the US Surgeon General to immediately shut down live animal markets in the US. This Petition for Rulemaking was signed by numerous physicians including Eric J. Brandt, MD, of Yale University School of Medicine, and Michelle L. O'Donoghue, MD, MPH, of Harvard Medical School. In the Petition, the doctors stated, "Live animal markets are a welcome mat to coronaviruses. The failure to close a single live animal market in China led to a pandemic that has closed countless businesses worldwide and led to an

enormous death toll and economic havoc.” “There must not be another pandemic. To ‘prevent the introduction, transmission, and spread of communicable diseases’ in the United States, the Surgeon General must promulgate regulations that prohibit the sale, transfer, donation, other commercial or public offering, or transportation, in interstate or intrastate commerce, of live birds, mammals, reptiles, and amphibians to retail facilities that hold live animals intended for human consumption.” “According to the Centers for Disease Control and Prevention, ‘more than six out of every ten known infectious diseases in people can be spread from animals, and three out of every four new or emerging infectious diseases in people come from animals.’”

Neal Barnard, MD, FACC, is an Adjunct Associate Professor of Medicine at the George Washington University School of Medicine in Washington, DC, and President of the Physicians Committee for Responsible Medicine (PCRM). Dr. Barnard has authored more than 100 scientific publications and 20 books for medical professionals and lay persons, and is the editor in chief of the US medical school textbook, Nutrition Guide for Clinicians. As President of PCRM, Dr. Barnard has advocated preventive medicine, good nutrition and higher ethical standards in research for 35 years.

Over the decades, Dr. Barnard continues to prove instrumental to both medical school and federal policies and guidelines. For example, his research contributed to the acceptance of plant-based diets and the replacement of the Pyramid with the Plate in the Dietary Guidelines for Americans as well as the substitution of the use of animals with simulators and other human-relevant methods in US and Canadian medical schools. In 2015, he was named a Fellow of the American College of Cardiology. In 2016, he founded the Barnard Medical Center in Washington, DC which serves as a model for nutrition as a routine part of all medical care.

39. WORLD LEADERS, GLOBAL AND NATIONAL INSTITUTIONS, BUSINESSES AND CITIZENS must immediately CEASE AND DESIST the exploitation, torture

and slaughter (and support thereof) of nonhuman beings in order to save our planet, ourselves, and all life. THE TIME IS RIPE.

40. The United States of America has maintained status as a powerful world leader since its origin. It remains appropriate for the top health, medical, scientific and environmental organizations of the US, ie, AMA, CDC, NIH, SG, HHS, FDA and EPA, to lead the world and originate IMMEDIATE ACTION.

41. As of the date of this Complaint, Covid has caused more than 167 million cases and over three million deaths in the world, and more than 33 million cases and over 605,000 deaths in the United States. These numbers represent *unacceptable statistics* for a pandemic that was **PREDICTED, PREDICTABLE, PREVENTABLE AND AVOIDABLE.**

42. It seems convenient to blame politicians for Covid tragedies, but the Truth is that medical professionals are charged with the ultimate responsibility of enhancing and protecting the health and well being of all Americans. Accordingly, **the AMA, CDC, NIH, SG, HHS, FDA and EPA are solely responsible for the spread of Covid in the United States. Collectively, Defendants are liable and responsible for every single human Covid illness and death in the United States.** The TIME IS RIPE FOR ACTION AND DAMAGE CONTROL.

43. The six *unsuccessful* arguments that are used against the elimination of animal agriculture are identical to those arguments used to oppose the abolition of slavery. They are as follows: 1) ECONOMY (it will dismantle the economy); 2) RELIGION (the practice was accepted in ancient times); 3) DISCRIMINATION (based on color, national origin, species); 4) CULTURE AND TRADITION/SOCIAL AND CULTURAL NORMS; 5) LONGEVITY (ancestors of humans, hominids, ate animal flesh more than two million years ago during a period

of time when the climate became hot and dry, and energy sources were scarce); 6) GREED (money and/or sensory pleasure). (Haven't human animals *evolved*? Don't mammals *wean*?)

Defendants' (AMA, CDC, NIH, SG, HHS, FDA and EPA) Failure to Act

44. As stated in ¶ 31,

THE MOST SALIENT FACT is that “the 1918 Spanish bird flu proved a mystery to scientists until they discovered a mass grave in Alaska. In **1997**, Pathologist Johan Hultin and his colleagues unearthed victims frozen in the permafrost which allowed **scientists** to analyze traces of the virus in a woman's lungs, piece together, letter by letter, the genetic code of the 1918 virus, and **solve the greatest medical mystery of all time. Humanity's greatest killer was Bird Flu.** In a single month, it spread throughout the US. In 1918, between 50 and 100 million people lost their lives.” **Like Covid, Ebola, HIV, SARS, BSE, et al., all zoonotic origin global pandemics originate from our use and abuse of animals. The next one is brewing in a factory farm near you right now.**

45. As stated in ¶¶ 13 through 19, the Missions of all Defendants require enhancing and protecting the health and well being of all Americans.

46. Today, the *global Knowledge* that the **elimination of animal agriculture** can save the planet; **solve** the sickness/sick care/drug/financial/**pandemic** crises; eradicate world hunger; and end violence and suffering (and consequential hatred and discrimination) remains *prevalent*. The health of our planet, our only home, our environment, ourselves and all life depends on this Fact.

47. In 1997, more than TWO DECADES AGO, Defendants had the Knowledge and information to warn the American public about the dangers of zoonotic origin global pandemics AND to take action to **prevent** and **avoid** zoonotic origin **pandemics**. Defendants should have done so, but failed to act.

48. **Defendants AMA, CDC, NIH, SG, HHS, FDA and EPA failed to act, ie, failed to undertake mandatory duties related to the protection of human health and to warn the**

American people about the Covid virus thereby negligently harming and killing millions of people.

49. Thus, Defendants AMA, CDC, NIH, SG, HHS, FDA and EPA remain responsible for the onset and spread of Covid in the United States.

Harm to Plaintiff

50. Since MOSCA heeds the advice of medical doctors who advocate a plant diet and she has practiced a vegan lifestyle for the last decade, she believes she is immune from actually contracting Covid; NEVERTHELESS, MOSCA has been adversely affected by Defendants' *failure to act, ie, failure to undertake mandatory duties related to the protection of human health and to warn the American people about the Covid virus thereby violating their fiduciary duties.*

51. **Defendants violated MOSCA's First Amendment Rights** of the United States Constitution due to Defendants' *failure to act, ie, failure to undertake mandatory duties related to the protection of human health and to warn the American people about the Covid virus thereby violating their fiduciary duties.*

52. Defendants' unconscionable withholding and unreasonable delay of closing all animal agriculture operations, CAFOs (concentrated animal feeding operations) and factory farms in the United States *injured and continues to injure* MOSCA by violating her ***First Amendment Rights of the US Constitution 1789 (rev. 1992)*** to peaceably assemble with other persons. Moreover, the ongoing risk of her injuries *continuing* for an indefinite period of time into the future remains imminent.⁴

⁴ Defendants failed to protect MOSCA's health and well being (her peace of mind, emotional/mental health) from approximately March 2020 through June 2020 while she researched and studied Covid, zoonotic origin global pandemics and epidemiology as she remained paralyzed in a state of fear until she educated herself and learned the Truth and the Facts. In addition, the inability to peaceably assemble includes social aspects relating to physical, mental and spiritual health and well being as the result of the Defendants' conduct. The aforementioned direct injuries MUST be considered.

53. Defendants' unconscionable withholding and unreasonable delay of closing all animal agriculture operations, CAFOs (concentrated animal feeding operations) and factory farms in the United States injured and continues to injure MOSCA by causing her March 2020 loss of employment income for the reason of slow business due to Covid resulted in significant economic losses and continues to cause substantial economic losses or "direct injuries." MOSCA's injuries remain both "concrete and personal," and she continues to sustain direct injuries as the result of the official misconduct, and the ongoing risk of her injuries continuing for an indefinite period of time into the future remains imminent.

CAUSE OF ACTION

Violations of the Administrative Procedure Act (APA) (5 USC § 702) and the First Amendment of the US Constitution 1789 (rev. 1992)

54. MOSCA incorporates by reference all allegations contained in ¶¶ 1 through 53 *supra*.

55. Defendants' Missions all require **enhancing and protecting the health and well being of all Americans** and medical professionals take an Oath to "**PREVENT disease**" because "**PREVENTION is preferable to cure.**" Medical doctors have "**SPECIAL OBLIGATIONS to ALL FELLOW HUMAN BEINGS.**" (*See Exhibit B.*)

56. The APA grants a right of judicial review to "a person suffering a legal wrong because of agency action, or adversely affected or aggrieved by agency action." (5 USC § 702.)

57. The definition of "agency action" includes a "failure to act." [5 USC § 551(13).]

58. Plaintiff is adversely affected by Defendants' past and continued failure to complete the actions required by Defendants.

59. The APA states that a reviewing court "shall" interpret statutes and "compel agency action unlawfully withheld or unreasonably delayed." [5 USC § 706(1).]

60. Defendants' failure to promulgate said Missions and/or honor Oath or complete other required actions constitutes unlawfully withheld and unreasonably delayed agency action that this Court shall compel.

CONCLUSION

More than two thousand years ago, Jesus encountered brutal opposition and persecution for his crazy ideology and beliefs.

In 1492, Christopher Columbus had to fight the prevailing belief that the Earth was flat in order to get men to sail with him because he felt sure the earth was round as Pythagoras first proposed circa 500 BC.

In 1510, no one believed Nicolaus Copernicus when he formulated a model of the universe that placed the Sun rather than Earth at the center.

In 1633, Galileo Galilei was convicted of suspicion of heresy for following the position of Copernicus, and apparently was placed under house arrest for the rest of his life.

In 1963, FBI Director, J. Edgar Hoover, feared the civil rights movement and investigated the allegations of communist infiltration. When no evidence emerged to support this, the FBI apparently attempted to force Dr. Martin Luther King, Jr. out of his leadership position for years.

In 1968, when Dr. Martin Luther King, Jr. was assassinated, 75% of the American people HATED him.

It takes *courage* to speak the Truth, but it is expected from certain people. As Chief Judge Benjamin Cardozo famously stated in *Meinhard v. Salmon*, 249 NY 458 (1928),

A trustee is held to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior...the level of conduct for fiduciaries [has] been kept at a level higher than that trodden by the crowd.

The animal agricultural industry IS the new tobacco industry.

In 1941, we watched television commercials like “More Doctors Smoke Camels Than any other Cigarette” (See <https://www.youtube.com/watch?v=gCMzjJjuxQI> .) Yet, three decades later, we saw warning labels, ie, “Caution: Cigarette Smoking May Be Hazardous to Your Health” on cigarette packages.

A cruelty-free lifestyle including a plant diet remains a difficult pill for common people to swallow. Only a minority of educated and/or intelligent human beings understand the environmental, **HEALTH**, global social and economic, and ethical significance as they have adopted the values of Buddha, Socrates, **Hippocrates (The Father of Medicine)**, Plato, Plutarch, Aristotle, Pythagoras, Voltaire, Gandhi, Albert Einstein, Benjamin Franklin, Henry David Thoreau, Leo Tolstoy, Mark Twain, Thomas Edison and George Bernard Shaw.

In a vegan world, zoonotic origin global pandemics cannot survive. It remains *prevalent world wide Knowledge* that a plant diet can save the planet; solve the sickness/sick care/financial/drug/pandemic crises; eradicate world hunger; and end violence and suffering (and consequential hatred and discrimination.)

It remains *shocking (and possibly criminal)* that Defendants as well as other members of the medical and scientific communities *concealed for decades and continue to conceal* lifesaving data and Truth in favor of profits. Not only are the drug, sick care and medical insurance industries EXTREMELY lucrative as they relate to *human* animals, about 80 percent of all antibiotics are given to innocent, sentient, *nonhuman* beings enslaved in Big Ag’s factory farms to promote growth and increase profits in order to facilitate degenerative diseases such as cancer, heart disease, diabetes, autoimmune diseases; chronic illnesses such as arthritis, digestive disorders, obesity, acne, allergies, impotence; and zoonotic origin pandemics. (According to the FDA, more than 20 million

pounds of medically important antibiotic drugs were sold for use on livestock farms in 2014—about 80 percent of all antibiotics sold.) Nevertheless, no one can escape the Law of Karma and the indisputable Fact is the Truth always comes out. It's just a matter of time.

Zoonotic origin pandemics would not exist in a vegan world. A plant diet is the most effective immunity and vaccine.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order:

1. Declaring that Defendants violated **the Administrative Procedure Act (APA) (5 USC § 702) and/or the First Amendment of the US Constitution 1789 (rev. 1992)** by failing to protect Plaintiff from the harmful effects of animal agriculture which **cause** significant and dangerous health impacts including **global pandemics such as COVID;**

2. Declaring that Defendants continue to violate **the Administrative Procedure Act (APA) (5 USC § 702) and/or the First Amendment of the US Constitution 1789 (rev. 1992)** by failing to protect Plaintiff from the harmful effects of animal agriculture which **cause** significant and dangerous health impacts including **global pandemics such as COVID;**

3. **Ordering Defendants to stop delays and immediately advise and coordinate with appropriate parties to IMMEDIATELY CLOSE AND SHUT DOWN all animal agriculture operations, CAFOs (concentrated animal feeding operations) and factory farms in the United States; and to IMMEDIATELY CEASE AND DESIST the intensification of the animal agriculture industry in the United States.**

4. **Ordering Defendants to stop delays, start acting like a world leader by leading by example, and coordinate with appropriate parties (including, but not limited to, the United Nations, World Organisation for Animal Health and World Trade Organization) to**

IMMEDIATELY CLOSE AND SHUT DOWN all animal agriculture operations, CAFOs (concentrated animal feeding operations) and factory farms throughout the world; and to IMMEDIATELY CEASE AND DESIST the intensification of the animal agriculture industry throughout the world.

5. **Ordering Defendants to stop delays and IMMEDIATELY WARN human beings that the CONSUMPTION AND USE OF ANIMAL/NONHUMAN Flesh, By-Products and Secretions Are DANGEROUS to Human Health, Lives and Liberties;**

6. **Retaining jurisdiction of this action to ensure compliance with its Decree;**

7. **Granting any and all other such relief that this Honorable Court deems Equitable, Just and Proper.**

DATED this 26th day of May 2021.

Respectfully Submitted,



Carol Mosca, *pro se Plaintiff*

3346 Highway 64 East, 112

Hayesville, NC 28904

Telephone: 386-878-1252

Email: justice4sentience@gmail.com